

FACT SHEET FOR NPDES PERMIT WA-002290-0
ARCO PRODUCTS COMPANY
Permit Modification Public Notice Date – December 20, 2000

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INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), which is administered by the Environmental Protection Agency (EPA). The EPA has delegated responsibility to administer the NPDES permit program to the State of Washington on the basis of Chapter 90.48 RCW which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

The regulations adopted by the State include procedures for issuing permits (Chapter 173-220 WAC), water quality criteria for surface and ground waters (Chapters 173-201A and 200 WAC), and sediment management standards (Chapter 173-204 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty days before the permit is issued (WAC 173-220-050). Major permit modifications are subject to the same requirements as reissuance. The fact sheet and draft permit are available for review (see Appendix A--Public Involvement of the fact sheet for more detail on the Public Notice procedures).

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in this review have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. The fact sheet will not be revised.

GENERAL INFORMATION	
Applicant	ARCO Products Company
Address	4519 Grandview Road Blaine, WA 98231
Type of Facility:	Petroleum Refining
SIC Code	2911
Discharge Location	Outfall 001: Latitude: 48° 51' 39"N. Longitude: 122° 45' 26" W. Outfall 002: Latitude: 48° 53' 33" N. Longitude: 122° 44' 35" W. Outfall 003: Latitude: 48° 53' 33" N. Longitude: 122° 43' 55" W.
Water Body ID Number	WA - 01 – 0010

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PERMIT STATUS

Public notice for issuance of the ARCO Products Company NPDES Permit was published on December 2, 1998 in the Bellingham Herald and on December 16, 1998 in the Westside Record Journal. The closing date for comments was originally set for January 15, 1999. Ecology received several requests to extend the comment period. Ecology extended the comment period to January 29, 1999. In addition to receiving written comments, several groups and individuals requested that a public hearing be held. Ecology decided to hold a public hearing in Ferndale on April 8, 1999. Public notice of the hearing was mailed out on March 3, 1999 and it was noted that written comments would be accepted up to and including the date of the public hearing. The hearing was held on April 8, 1998. At the hearing, request were made to extend the date for submittal of written comments until April 23, 1999. The response to comments was completed October 1, 1999 and the NPDES permit was also issued on that date. The reissued permit became effective on November 1, 1999. On October 25, 1999 ARCO appealed the reissued NPDES permit.

A pre-hearing conference was held, the issues were summarized, and a July 17-19, 2000 date was scheduled for the hearing before the Pollution Control Hearings Board.

Several settlement discussions were held between Ecology and ARCO. This modified permit is a result of those discussions.

The scheduled hearing at the Pollution Control Hearings Board was not held.

As a result of the settlement agreements, several permit conditions have been changed in this proposed permit modification including: 1.) clarification of reporting for temperature, Feedstock rate, Ballast Water Flow, Rainfall, and Final Effluent Flow; 2.) changes of effluent limitations and monitoring requirements at the Domestic Treatment System; 3.) language changes for calculating flow of Ballast Water; 4.) clarification of a "dry period" for stormwater sampling; 5.) additional definition for reporting and MDLs; 6.) changes in submittal dates and some sampling stations for the Treatment Efficiency Study; 7.) refinement of participation in a Herring Chronic Bioassay Study; 8.) clarifying language for action needed for acute toxicity; and 9.) placing the Ground Water Impact Study into a Model Toxics Control Act (MTCA) agreed order. The proposed changes are discussed in this fact sheet.

PROPOSED PERMIT CHANGES

Effluent Limitations and Monitoring Requirements for Outfall 001

Clarifying language has been added to indicate what and how information should be reported on the EPA Discharge Monitoring Report (DMR) and what can be reported on an attachment. This clarification was made specific to Temperature, Feedstock Rate, Ballast Water Flow, Rainfall, and Final Effluent Flow (page 8).

Domestic Wastewater Treatment System Limitations and Monitoring Frequency

Two of the domestic wastewater treatment system limits appealed by ARCO have been addressed in this modified permit. The two issues were the percent removal requirement for BOD and TSS and the residual chlorine limit at the outfall from the Sanipak. Interim limitations and action or compliance dates have been added to this modified permit to allow ARCO a timeline for upgrading the treatment system or hooking up to a POTW for treatment of their domestic wastewater (pages 9-11).

Ballast Water and Stormwater Allocations

Some clarifying language was added to section S.1.D. to better define how to account and calculate for the ballast water flow/allocation (page 11).

Stormwater Monitoring (Outfall 002 and 003)

There was some conflicting language for the definition of a “dry period”. The “inter-event dry period 6 hours.” was dropped and the 24 hours was retained (page 12).

Reporting

Some clarifying language was added to section S.3.A. to better define how to report non-detect (below the MDLs) levels for specific pollutants (page 14).

Treatment Efficiency Study and Engineering Report

The treatment efficiency study has been modified by redefining the sampling stations down from eight to six sampling points and also clarifying when they should be sampled. The date to begin monitoring and submittal of reports has been changed due the timeline delay for the appeal and settlement process (pages 17 - 20).

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Ground Water Impact Study

The ground water impact study has been removed from the permit and will be incorporated into an agreed Model Toxics Control Act order.

Herring Chronic Bioassay Study

Arco's appeal of this portion of the permit was related to the fact that no approved protocol has been developed for conducting a herring bioassay. As part of the settlement of the appeal, Arco has agreed to help fund the development of a herring protocol. When an approved protocol has been adopted by Ecology, ARCO agrees to conduct herring bioassays (page 24).

Acute Toxicity

Some additional clarifying language was added to indicate what ARCO is required to do to be in compliance with a failed test (page 27).

Pollution Prevention

The Pollution Prevention language was modified to add PAHs to the list of pollutants to evaluate for reduction or elimination (page 37).

PERMIT ISSUANCE PROCEDURES

PERMIT MODIFICATIONS

The Department may modify this permit to impose numerical limitations, if necessary to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the State of Washington. The Department proposes that this proposed permit be issued with an expiration date of November 1, 2004.

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APPENDIX A--PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to modify a permit to the applicant listed on page 1 of this fact sheet. The proposed modified permit contains conditions, which are described in the rest of this fact sheet.

The Department will publish a Public Notice of Draft (PNOD) on December 20, 2000 in the *Bellingham Herald* and the *Westside Record Journal* to inform the public that a draft permit modification and fact sheet are available for review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the Ecology office listed below. Written comments should be mailed to:

Don Kjosness
Department of Ecology
Industrial Section
PO Box 47706
Olympia, WA 98504

Comments should reference specific text followed by proposed modification or concern when possible. **Comments should only address the items changed in this proposed permit modification including: Condition S1.B. Effluent Limitations and Monitoring Requirements for Outfall 001, Condition S1.C. Domestic Wastewater Treatment System Limitations and Monitoring Frequency, Condition S1.D. Ballast Water and Stormwater Allocations, Condition S1.E. Stormwater Monitoring (Outfall 002 and 003), Condition S3.A. Reporting, Condition S4.A. Treatment Efficiency Study and Engineering Report, Condition S4.C. Herring Chronic Bioassay Study, Condition S5.B.1. Acute Toxicity, and Condition S7.C.3.E. Pollution Prevention.**

The Department will consider all comments received within forty (40) days from the date of public notice of draft indicated above, in formulating a final determination to modify the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone, (360) 407-6955, or by writing to the address listed above.